

**Decision Maker:** Plans Sub-Committee 3

**Date:** 7 July 2011

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** 12 HILLCREST ROAD, BIGGIN HILL, WESTERHAM -  
DIRECT ACTION

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**Chief Officer:** Chief Planner

**Ward:** Biggin Hill

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1. Reason for report

- 1.1 A swimming pool with raised timber decking was constructed in 2006 in the rear garden of the dwelling. Enforcement action was taken to remove the decking and swimming pool and the notice was upheld on appeal in 2008. Permission was subsequently refused for the pool and patio in 2008 and dismissed on appeal in 2009.
- 1.2 A recent planning application for the retention of the pool has been refused (DC/10/03503). Although the timber decking has been removed the pool remains in place and there is no indication as to whether the owner intends to comply with the effective notice.
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2. **RECOMMENDATION(S)**

- 2.1 Authority be given to enter the land to carry out works in default in order to rectify the breach of planning control and a charge be placed on the land.

### 3. COMMENTARY

- 3.1 Following receipt of a complaint in 2006 the site was inspected and it was confirmed that extensive terracing, timber decking and engineering operations were taking place. A further three raised timber decked areas the full width of the garden in addition to a paved patio area and a paved balcony area on the roof of a single storey rear extension had been constructed. One of the lower decked areas contained a swimming pool. The upper decked area (above the pool) measures 5.84m wide and 3.27m deep and 0.2m high at rear and 1.28m high at front.
- 3.2 The terrace containing the pool is 5.84m wide and 7.11m deep with a sunken pool approx. 5m long and 2.3m wide centrally positioned. The pool is at ground level at the rear and approx. 1.5m above ground level at the front. The lower level is the full width of the rear garden (5.84m) with steps leading down to the remaining open garden which is approx. 2.3m deep. The remainder of the rear garden is covered with the spoil from the works and leads to a small shed located at the rear of the garden which appears to have been raised to approx. 1m above adjoining ground levels.
- 3.3 An enforcement notice was issued in 2007 requiring the pool to be removed, the void filled and the land returned to its former appearance. A further notice was issued in November 2006 regarding the timber decking and raising of ground levels by the deposit of material from excavation work. The land has not been restored to its original level and the swimming pool remains in place.
- 3.4 Since the most recent appeal was dismissed in September 2010 the timber decking has been removed thereby partially complying with the effective notice. The owners recently submitted a further application to retain the swimming pool without the decking (Ref. 10/3503) which was refused on 31/03/11.
- 3.5 There has been no appeal against the refusal and there has been no indication that the pool will be removed. Direct action was considered to be appropriate in 2009 but further action was deferred pending the outcome of a further appeal. Following the recent refusal for the retention of the pool it is considered that works in default should be carried out to secure compliance with the effective notices.
- 3.6 An estimate for the cost of the works has been requested and will be reported verbally. Access to the site is restricted so it is anticipated that the swimming pool will have to cut up in order to facilitate its removal.

<b>Non-Applicable Sections:</b>	Policy, Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	

Ref: TCB/ENF/06/00549